

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
SAMUEL BADILLO, JR.,

Plaintiff,

18 **CIVIL** 8414 (ER)

-against-

JUDGMENT

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,
Defendant.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons set forth in the Court's Opinion and Order dated March 31, 2020, Judge Fox's R&R is adopted in part and rejected in part; Badillo's motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) is granted, and the case is remanded to the Commissioner of Social Security for further proceedings; in particular, the Commissioner should reconsider the appropriate weight to afford Dr. Axline's opinion as well to ensure that ant RFC assessment is supported by substantial affirmative record evidence; accordingly, the case is closed.

Dated: New York, New York
March 31, 2020

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk